



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TRG  
Docket No: 6845-99  
16 February 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 19 October 1977 at age 18. The record shows that on 9 March 1978 you received nonjudicial punishment for an unauthorized absence of about 17 days. Subsequently, on 8 September 1978, you were counseled concerning the procedures and necessary documentation for a hardship discharge.

A special court-martial convened on 21 August 1979 and convicted you of unauthorized absences of 136 days and 246 days from 19 April to 5 September 1978 and from 30 October 1978 to 3 July 1979. The court sentenced you to \$200 forfeiture of pay, confinement at hard labor for 45 days and a bad conduct discharge. While in confinement, you stated that the unauthorized absences were caused because you were needed at home to care for your disabled sister. On 5 October 1979 you elected to waive your right to request restoration to duty. The bad conduct discharge was issued on 16 December 1980.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, limited education, and the documentation you submitted which shows that

your sister is disabled and you were needed at home to help take care of her. The Board also considered your contention that you have been a good citizen since discharge. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your two lengthy periods of unauthorized absence. The Board noted that the last period of unauthorized absence was terminated by your apprehension, which led the Board to believe that you had no intention of returning to the Marine Corps. The Board was aware that after your first period of absence, you were advised on how to submit a hardship discharge request, but you elected to take the situation into your own hands and departed on your second and third lengthy periods of absence. Finally, the Board noted that the forfeitures and confinement portion of the court-martial were well below the maximum punishment allowed, which suggests that your family situation was considered. The Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director